

Message Text

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ACTION ARA-10

INFO OCT-01 EUR-12 ISO-00 IO-13 PM-04 NSC-05 SP-02
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TO SECSTATE WASHDC 0365
INFO AMEMBASSY SANTIAGO
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C O N F I D E N T I A L BUENOS AIRES 3330

E.O. 11652: GDS
TAGS: PFOR PBOR UK CI AR
SUBJECT: BEAGLE CHANNEL ARBITRATION DECISION: THE UNHAPPY LOSERS

REF: SANTIAGO 3632

1. NEITHER GOA NOR ARGENTINE PUBLIC IS TAKING ADVERSE BEAGLE CHANNEL DECISION GRACEFULLY. AFTER PRESENTATION OF DECISION OF QUEEN ELIZABETH/ARBITRATION BOARD IN PRIVATE MEETING WITH ARGENTINE JUNTA, FONMIN ANNOUNCED ON MAY 2 THAT ARBITRATION FINDING WOULD BE STUDIED DURING NINE MONTH PERIOD PROVIDED FOR IMPLEMENTATION. BEFORE END OF NINE MONTHS, GOA WILL "ANNOUNCE ITS POSITION." COMMUNIQUE ADDED THAT GOA WILL BEAR IN MIND ITS TRADITIONAL POLICY OF FULFILLING INTERNATIONAL COMMITMENTS, BUT AT SAME TIME WILL ABIDE BY PRINCIPLES THAT NO COMMITMENT CAN FORCE THAT WHICH MIGHT AFFECT VITAL NATIONAL INTERESTS OR HARM RIGHTS OF SOVEREIGNTY OTHER THAN THOSE SPECIFICALLY SUBMITTED FOR ARBITRATION.

2. ARRAY OF FORMER FOREIGN MINISTERS AND OTHER EXPERTS ON MATTER HAVE RESPONDED TO PRESS REQUESTS FOR COMMENT WITH ANSWERS RANGING FROM BITTER ATTACKS ON THOSE IN PAST WHO AGREED TO ARBITRATION IN FIRST PLACE (FOR EXAMPLE, FORMER PRESIDENT
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LANUSSE WHO BY COINCIDENCE WAS ARRESTED MAY 3 IN CONNECTION WITH AN ECONOMIC SCANDAL--SEPTEL), TO CLAIMS THAT DECISION OF QUEEN WAS BIASED AGAINST ARGENTINA BECAUSE OF BRITAIN'S QUARREL WITH ARGENTINA OVER FALKLAND ISLANDS. ALL COMMENTATORS APPEAR TO AGREE THAT ISSUE SHOULD HAVE BEEN NEGOTIATED WITH CHILE DIRECTLY WITHOUT GOING TO ARBITRATION, A COURSE WHICH THEY ASSUME WOULD HAVE ALLOWED FOR SOME BARGAINING AND A BETTER

OUTCOME FOR ARGENTINA.

3. IT IS CLEAR FROM PRESS TREATMENT AND FROM FONMIN SOURCE THAT REAL ARGENTINE CONCERN IS NOT WITH DECISION ON BEAGLE PROPER. CHILE ALREADY HAD THE ISLANDS IN DISPUTE, WHICH ARE THEMSELVES OF LITTLE VALUE, AND ARGENTINA ACTUALLY GAINED IN THAT THE DECISION DIVIDED THE WATERS OF THE CHANNEL ITSELF BETWEEN THE TWO PARTIES THUS DENYING CHILE'S CLAIM TO CONTROL OF THE CHANNEL WATER RIGHT UP TO THE ARGENTINE SHORE. ARGENTINA IS THUS ASSURED SOVEREIGN ACCESS TO ITS PORT OF USHUAIA. REAL CONCERN IS WITH SO FAR UNCLEAR AFFECT OF DECISION OF MARITIME RIGHTS TO THE EAST AND SOUTH OF THE CHANNEL. DECISION DID NOT EXTEND LINE FROM CHANNEL OUT TO ATLANTIC, AND THEREFORE QUESTION OF MARITIME LIMIT TO SOUTH OF CHANNEL'S EASTERN MOUTH IS LEFT OPEN. OTHER ISLANDS TO SOUTH IN DRAKE PASSAGE, AND EVEN ANTARCTIC CLAIMS, ARE LEFT IN SOME QUESTION. THIS IS AREA OF "RIGHTS OF SOVEREIGNTY" NOT SUBMITTED TO ARBITRATION WHICH IS REFERRED TO IN FONMIN COMMUNIQUE, AND WHICH PROMISES TO PROVIDE ANOTHER SEVERAL GENERATIONS OF DIPLOMATS AND INTERNATIONAL LAWYERS WITH WORK.

4. FONMIN SOURCE CONFIRMED PRIVATELY THAT GOA UNHAPPINESS, ASIDE OF COURSE FROM INJURED NATIONAL PRIDE, IS OVER POSSIBLE EFFECTS OF DECISION ON MARITIME CLAIMS OUTSIDE OF CHANNEL. SOURCE FELT THAT IN FINAL EVENT GOA WOULD ACCEPT THE ARBITRATION RULING AS IT PERTAINS TO THE BEAGLE ITSELF, BUT THAT THERE WOULD BE DIFFICULTIES OVER NEWLY PRESENTED PROBLEM OF DRAWING A LINE BETWEEN THE COUNTRIES FROM THE BEAGLE OUT TO THE 200 MILE LIMIT. HE ALSO CONFIDED THAT THE ARMY IS EXCEEDINGLY CONFIDENTIAL

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UNHAPPY WITH THE NAVY, WHICH APPARENTLY IS HELD RESPONSIBLE FOR FAILURE OF ARGENTINE POSITION IN THE ARBITRATION. WE VENTURE GUESS THAT DECISION WILL NOT HARM ARGENTINE-CHILEAN RELATIONS, PARTICULARLY IF, AS REFTTEL INDICATES, GOC DOES NOT RUB ARGENTINE NOSE IN IT. HOWEVER, BEAGLE DISPUTE IS LIKELY TO BE REPLACED BY NEW DISPUTE OVER DRAWING OF MARITIME BOUNDARY INTO DRAKE PASSAGE, AND ULTIMATELY DOWN TO ANTARCTICA.
HILL

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Message Attributes

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